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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 TRACY STORY-MCPHERSON, *et al.*,

11 Plaintiffs,

12 v.

13 BANK OF AMERICA, N.A., *et al.*,

14 Defendants.
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Case No. 2:11-CV-01470-KJD-RJJ

ORDER

16 Defendants removed the present action to this court on September 12, 2011. On September
17 19, 2011, Defendants filed a motion to dismiss. After filing an untimely opposition to the motion to
18 dismiss on October 13, 2011, Plaintiffs have taken no further actions of record.

19 On June 5, 2012, the Court granted in part and denied in part (#11) the motion to dismiss.
20 The Court's order preserved some of Plaintiffs' claims, particularly for wrongful foreclosure and
21 breach of contract. The Court dismissed other claims, but granted Plaintiffs leave to amend.
22 However, Plaintiffs never filed an amended complaint nor sought leave to amend. Furthermore,
23 Defendants failed to file an answer within fourteen days of the Court's order. See Fed. R. Civ. Pr.
24 (12)(a)(4).

25 On June 28, 2012, the magistrate judge ordered the parties to file a joint proposed discovery
26 plan and scheduling order. However, no joint plan was filed and neither party responded individually

1 to the order. On September 17, 2012, the Court ordered (#13) Plaintiffs to show cause no later than
2 October 2, 2012 why their complaint should not be dismissed for want of prosecution. Though
3 Defendants filed an Answer (#14) and Certificate of Interested Parties (#15), Plaintiffs failed to file
4 any response to the order of the Court.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Complaint is **DISMISSED with**
6 **prejudice;**

7 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for Defendants
8 and against Plaintiffs.

9 DATED this 4TH day of October 2012.

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13 Kent J. Dawson
14 United States District Judge
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